



GREENWOOD COMMON COUNCIL DECEMBER 6, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:07 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. David Owens of the Johnson County Memorial Hospital led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers and City Attorney Shawna Koons-Davis.
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Mayor Henderson offered apologies for starting a little late and explained that Endress-Hauser had offered a tour of their facility to Council members, Economic Development Commission members and Redevelopment Commission members.

Mr. Bates moved to accept the minutes of the regular session of November 15th, with second by Mr. Bless. Vote: Ayes (Deer – Abstain).

Paige Gregory of H.J. Umbaugh was invited to give an update on the impact of the excess levy appeal and final numbers of the assessed valuation (Handout from Ms. Gregory and overview by Reedy & Peters in the attachments of this meeting). Topics covered by Ms. Gregory included the certified assessed values since 2003, the estimated property tax rate based on 2005 certified assessed value, an illustrative comparison of corporate tax rates by community, and the estimated impact of the excess levy appeal based on \$100,000 assessed value. Ms. Gregory cautioned the Council that if they do not take full advantage of this appeal, not only is this appeal lost, but future filings will be difficult at best. In response to Mr. Hardin's objection to accepting the entire amount, Ms. Gregory gave a brief history of using funds from the cash reserve over the past few years, with the estimate for 2005 a deficit of \$3 million. There was prolonged discussion on reducing the cash reserve.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the last Plan Commission meeting was a training session, focusing on lighting issues.

ORDINANCE No. 04-49 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, approximately 82.27 acres located on the east side of Honey Creek Road; ¼ mile south of Cutsinger Road and ¼ mile north of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property). **POSTPONED UNTIL DECEMBER 20, 2004 FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-50 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 82.27 acres located on the east side of Honey Creek Road; ¼ mile south of Cutsinger Road and ¼ mile north of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property)). **POSTPONED UNTIL DECEMBER 20, 2004 FOR FIRST READING.**

ORDINANCE No. 04-51 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries

Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 82.3 Acres Located Approximately ¼ Mile South of Worthsville Road and West of Graham Road (commonly known as the Republic Development LLC Property). **POSTPONED UNTIL DECEMBER 20, 2004 FOR FIRST READING AND PUBLIC HEARING.**

RESOLUTION No. 04-31 – A Resolution Authorizing the Clerk-Treasurer to Transact Business With the Public Employees Retirement Fund Through the Use of Electronic Funds Transfer. Mr. Bates moved to pass Resolution No. 04-31 on first reading. Second by Mr. Hardin. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-52 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 82.3 acres located approximately ¼ mile south of Worthsville Road and west of Graham Road, commonly known as the Republic Development, LLC Property). Mr. Bless moved to pass Ordinance No. 04-52 through second reading. Second by Mr. Gibson. Mr. Hardin described his objection to changing the zoning. Mr. Armstrong confirmed that the recommendation from the Plan Commission was 6 – 4 based on the request from a neighboring landowner not to change the zoning. Larry Moon of Republic Development was present to answer questions and discussed the commitments. During discussion it was explained that the net difference in the number of lots from R-2 to the modified R-2A was 9 lots. Using a grid pattern, there could be 30 more lots. Vote: Ayes – Bates, Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong. **PASSED SECOND READING.**

RESOLUTION No. 04-28 – A Resolution Establishing Holidays For Employees of the City of Greenwood for the Year 2005. Mr. Gibson moved to pass Resolution No. 04-28 through second reading. Second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-54 – An Ordinance Vacating a Platted Drainage and Utility Easement on Lot 1 and Remaining Tract in Green Acre Subdivision. **INTRODUCED.** Joe Meyer of KOE Engineering represented Ohio Properties. He explained that the area was originally platted in two parcels around 1988. There is now a different configuration and Mr. Meyer said there is a need to have the easement vacated. The petitioner has sent letters to the utility companies and received replies offering no objection, said Mr. Meyer. There is also a recommendation from the Plan Commission and the Board of Public Works and Safety to vacate the easement.

ORDINANCE No. 04-53 – An Ordinance Permitting the Payment of Claims Prior to Board Allowance for Certain Kinds of City Expenses. **INTRODUCED.**

Under miscellaneous business, Mr. Gibson reported receiving calls on the intersection at Smith Valley and Main Street requesting a sign permitting a right-hand turn. Mr. Gibson moved to instruct the street department to mark this turn. Second by Mr. Deer. Vote: Ayes. Mayor Henderson instructed the Director of Operations to see that the Street Department makes those changes in the markings both on the pavement and with signage.

Mr. Hardin requested an explanation for how the flyer on the aquatic center was included with the sewer bill and asked who paid for this. Mayor Henderson said it was included with his permission as the aquatic center committee and the Parks Department wanted to send out a notice. Postage would have been \$3,700 to \$4,000 while including the flyer with the sewer bill was with no extra postage. The Mayor took full responsibility and stated he stopped that practice. Mr. Deer, on a positive note, said it has been helpful to hear both sides of the issue. There is a Parks Board hearing tomorrow night to determine whether they want to request a bond issue for the aquatic facility and park land purchase. This led to a discussion on soil testing. Phil Tinkle, commercial land broker, told the Council that it is usual and customary for those types of tests to be performed after there is an agreement with the seller. In this contract offer, the seller was not responsible for paying for that testing. Soil borings were to have been done this afternoon, Mr. Tinkle, added, and we were promised a quick turn-around. At Mr. Deer's request, the City Attorney said she would get a timeline from bond counsel.

Mr. Bates had received a letter concerning the proposed Wal-Mart from Bob and Ruth Hansen that he made part of the attachments to this meeting.

Ms. Reed indicated that she had asked the City Attorney to prepare an ordinance to remove Emerson and County Line from the TIF district. She explained that the library has had to cut hours of employees and close on Sunday. The Mayor stated that removing that area would not get the library any more money and the City would get less, as it would lower their tax rate and raise ours if we need money to do projects. We would also have to reissue all of the bonds that the Redevelopment Commission has issued, per two accounting firms. Responding to Ms. Reed, the Mayor recounted that Worthsville Road improvement was part of \$28 million earmarked to come out of TIF funds and get an interchange at I-65 to relieve Main Street. Mr. Deer discussed the question of the financial impact.

In response to Mr. Deer, the Mayor said leaf pickup would continue basically until we have to plow snow.

From the audience Linda Gibson asked if the introduction on the aquatic center could be delayed until after the holidays to allow family time. The Mayor assured her that was no problem.

Karl Kreck of the Valle Vista Homeowners' Association had copies of surveys on the aquatic center and discussed his opposition to the project, including his concern on soil contamination.

Deb O'Reilly from the audience expressed her concern for the library as well.

With no further business, the meeting adjourned at 8:40 p.m.